Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Government may make order under section 144, Code of Criminal Procedure.

38. Government, whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the Code of Criminal Procedure [1] could be continued in force by Government under the enactment aforesaid. X of 1882.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (*1*) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the

[1] *See* now Act 5 of 1898, Genl. Acts, Vol. V.

streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as the Magistrate of the district may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(*i*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature:

(*j*) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*k*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*l*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmsala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*m*) regulating [1] ***** the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(*2*) Every regulation made under clause (*h*) or made under clause (*l*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the Magistrate of the district under clause (*c*), (*e*), (*f*), (*g*), (*h*) or (*i*) shall be published by affixing a copy thereof, in the language of the district, in the chávdi, or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (*a*), (*b*), (*j*), (*k*) or (*l*) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

Rules under clause (*1*) (*j*) to be reported to the Commissioner.

(*3*) Every rule promulgated under the authority of article (*j*) of clause (*1*) of this section shall be forthwith reported to [2][the Commissioner] and shall be in force for not more than fifteen days unless extended by [2][the Commissioner] for a longer period and, in such case, for so long as [2][the Commissioner] directs.

(*4*) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Rules for licensing and controlling theatres and other places of public amusement.

[3][**39A.** With the previous sanction of the Governor in Council the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat, and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly.]

District Magistrates may make rules for blasting and excavation.

40. Every Magistrate of a district may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licenses for such operations.

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[1] The words " the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and " were repealed by s. 6 (*1*) of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[2] These words were substituted for the word " Government " by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] This section was inserted by s. 6 (*2*) of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

Discontinuance of brothels.

41. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which Government has by [1] notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder.

42. (*1*) The Magistrate of the district, or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, [2][playing of music], delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Any one of several Magistrates having jurisdiction may issue order.

(*2*) If in any town or village or the vicinity thereof there are two or more Magistrates of the first class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

(*3*) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate of the district

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate of the district may temporarily close or

[1] For notification issued under this section, *see* Bombay Local Rules and Orders.

[2] These words were inserted by s. 10 of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

for prevention of riot or grave disturbance of the peace.

take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of the district for maintenance of order at religious ceremonials, etc.

44. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(*2*) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested as to the rights and duties of any persons affected by the order aforesaid.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

45. (*1*) Whenever it shall appear to the Magistrate of a district that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled, or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(*2*) It shall be lawful for the Magistrate of the district or for the Collector on the requisition of the Magistrate of the district, subject to the orders of [1][the Commissioner], to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

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[1] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 8 of 1915), Vol. V of this Code.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality. Recovery of expenses from municipalities.

46. Whenever it shall appear to the Magistrate of a district or to any sub-divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe. Dispersal of gangs and bodies of persons.

47. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present [1][at] such place of amusement, [2]* * or such assembly or meeting, [2]*** may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings [3][and the maintenance of the public safety] at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction. Police to provide against disorder, etc., at public places of amusement and public meetings.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder. Police to have free access thereto.

48. (1) The District Superintendent or an Assistant [4][or Deputy] Superintendent may, subject to any rule or order which may at any time be Police to regulate assemblies,

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[1] The word "at" was substituted for the words "in the town or village where" by s. 1 of the Bombay District and City Police (Amendment) Act, 1913 (Bom. Act 5 of 1913), Vol. V of this Code.

[2] The words "is situate" and the words "is to be held" were repealed by *ibid.*

[3] These words were inserted by *ibid.*

[4] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

etc., in public streets.

legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of [1] [and behaviour or action of persons constituting] assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass ;

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street ;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39 – 46 of this Act.

Manner of publication of such rules and orders.

(*2*) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Provisions as to dogs.

49. (*1*) The Magistrate of the district may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (*2*) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(*2*) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention ; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(*3*) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land-revenue.

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[1] These words were inserted by s. 11 of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

(*d*) When any dog taken possession of by the police wears a collar with the apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address. Provision in case of dog wearing a collar with owner's address

50. Every power conferred by this Chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the district, and all rules, regulations and orders made by the Magistrate of the district under this Chapter shall be subject to the provisions of section 13 (*2*). Powers under this Chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Government.

CHAPTER V.

Executive Powers and Duties of the Police.

51. (*1*) Every police-officer shall— Duties of police-officer.

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority ; and shall by all lawful means endeavour to give effect to the commands of his superior ;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences ;

(*c*) to the best of his ability, prevent the commission of public nuisances ;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason ;

(*e*) aid another police-officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

(*2*) Every police-officer may, subject to the rules and orders made by Government or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any Power to enter places of public resort.